

REMARKS

The Application has been reviewed in light of the Final Office Action mailed September 26, 2006. Claims 1-6, 8-12, 14 and 21-26 were pending. Claims 1-6, 8-12, 14 and 21-26 were rejected. Claim 24 is cancelled without prejudice or disclaimer. Claims 7, 13 and 15-20 were previously cancelled. Claims 1, 8, 21, 22, and 25 have been amended to further define various features of Applicant's invention. New Claims 27-29 have been added. Applicant respectfully requests favorable action for all pending claims.

Amended Claims 1-6 are allowable.

Claims 1-3 and 6 were rejected by the Examiner under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 3,410,474 issued to C.C. Keil ("*Keil*"). Also, Claims 4 and 5 were rejected by the Examiner under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over *Keil*.

Applicant respectfully submits that *Keil* does not teach or suggest all of the elements of amended Claims 1-6. For example, regarding amended Claim 1, *Keil* does not teach:

the top section including at least three top section joint portions,
and the bottom section including at least three bottom section joint
portions;

at least three detachable joints formed in the packing support, each
of the detachable joints comprising a joint between one of the top section
joint portions of the top section and one of the bottom section joint
portions of the bottom section;

Keil discloses three modules 2, 16, and 18 held together by tongue-and-groove joints to form a corner pad for packaging. (Col. 2, line 64 to Col. 3, line 17; Figs. 2-3). Each module 2, 16, and 18 is connected to the other modules by two tongue-and-groove joints. For example, as shown in Figs. 2-3, module 2 is connected to module 16 by a first joint 12/14 and to module 18 by a second joint 12/14. None of modules 2, 16, and 18 is connected to another modules by three joints. Thus, none of modules 2, 16, and 18 can be equated with the "top section" or the "bottom section" recited in amended Claim 1.

Thus, *Keil* cannot teach or suggest these elements of amended Claim 1. For at least these reasons, Applicant submits that amended Claim 1 is allowable over *Keil*. Thus,

Applicant respectfully requests reconsideration and allowance of amended Claim 1, as well as Claims 2-6 that depend from Claim 1.

Amended Claims 8-12 and 14 are allowable.

Claims 8-12 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Prior Art Figure 1 of the instant application (hereinafter "*PAI*") in view of *Keil*.

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Applicant respectfully submits that the proposed *PAI-Keil* combination does not teach or suggest all of the elements of amended Claims 8-12. For example, amended independent Claim 8 recites in part:

the first section including at least three first section joint portions,
and the second section including at least three second section joint
portions;

at least three detachable joints formed in the container support,
each of the detachable joints comprising a joint between one of the first
section joint portions of the first section and one of the second section
joint portions of the second section;

As discussed above regarding Claim 1, *Keil* discloses three modules 2, 16, and 18 held together by tongue-and-groove joints to form a corner pad for packaging. (Col. 2, line 64 to Col. 3, line 17; Figs. 2-3). Each module 2, 16, and 18 is connected to the other modules by two tongue-and-groove joints. None of modules 2, 16, and 18 is connected to another modules by three joints. Thus, none of modules 2, 16, and 18 can be equated with the "first section" or the "second section" recited in amended Claim 8.

PAI also fails to disclose these elements.

Thus, the proposed *PAI-Keil* combination cannot teach or suggest these elements of amended Claim 8. For at least these reasons, Applicant submits that amended Claim 8 is allowable over the proposed *PAI-Keil* combination. Thus, Applicant respectfully requests reconsideration and allowance of amended Claim 8, as well as Claims 9-12 and 14 that depend from Claim 8.

Amended Claims 21-26 are allowable.

Claims 21-22 and 25-26 were rejected by the Examiner under 35 U.S.C. § 102(b) as being anticipated by International Publication No. WO 94/25369 by Svend Bertelsen ("*Bertelsen*").

Claims 23 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Bertelsen*.

Applicant respectfully submits that *Bertelsen* fails to teach or suggest all of the elements of amended Claims 21-26. For example, amended Claim 21 recites in part:

wherein the upper and lower portions of the detachable joints interlock with each other to detachably secure the first upper packing support to the first lower packing support such that the first set of detachable joints provide some resistance to separating the first upper packing support from the first lower packing support, but allow the first upper packing support to be completely separated from the first lower packing support. (emphasis added).

Bertelsen discloses a packaging system including a pair of upper packaging elements 1 and a pair of lower packaging elements 101 (Abstract; Fig. 3). Each upper packaging element 1 includes a number of locking studs 7 and 8 (*see* page 3, lines 30-33; Fig. 1) positioned to fit within corresponding locking recesses 107 and 108. (*see* page 5, lines 1-12; Fig. 2). Locking studs 7 and 8 may be "frusto-conical with a circular cross-sectional shape" or "frusto-pyramidal with a square cross-sectional shape." (page 3, line 33 to page 4, line 1; Fig. 1). Locking recesses 107 and 108 may be "frusto-conical recesses" dimensioned to receive frusto-conical locking studs 7 and 8 (page 5, lines 7-12; Fig. 2).

When the packaging system is assembled (as shown in Fig. 3), locking studs 7 and 8 of upper packaging elements 1 may be freely inserted into locking recesses 107 and 108 of lower packaging elements 101. Thus, locking studs 7 and 8 and locking recesses 107 and 108 interact to restrict the lateral movement of upper packaging elements 1 relative to lower packaging elements 101. However, due to the shapes of locking studs 7 and 8 and locking recesses 107 and 108 (discuss above and shown in Figs. 1 and 2), upper packaging elements 1 may be freely pulled away from lower packaging elements 101, with no resistance. As such, locking studs 7 and 8 and locking recesses 107 and 108 do not secure upper packaging elements 1 to lower packaging elements 101.

For these reasons, *Bertelsen* does not teach or suggest “the upper and lower portions of the detachable joints interlock with each other,” or that the upper and lower portions of the detachable joints “detachably secure the first upper packing support to the first lower packing support such that the first set of detachable joints provide some resistance to separating the first upper packing support from the first lower packing support,” as recited in amended Claim 21.

Thus, *Bertelsen* cannot teach or suggest these elements of amended Claim 21. For at least these reasons, Applicant submits that amended Claim 21 is allowable over *Bertelsen*. Thus, Applicant respectfully requests reconsideration and allowance of amended Claim 21, as well as Claims 22-23 and 25-26 that depend from Claim 1.

New Claims 27-29 are allowable.

Applicant submits that in addition to depending from amended Claims 1, 8, and 21 shown above to be allowable, new Claims 27-29 include additional limitations not disclosed by the cited references.

For example, new Claim 27 recites “wherein each detachable joint comprises an interference fit between a first section joint portion and a second section joint portion.” New Claim 28 recites “wherein each detachable joint comprises an interference fit between a first section joint portion and a second section joint portion.” New Claim 29 recites “wherein each detachable joint comprises an interference fit between an upper portion of the detachable joint and a lower portion of the detachable joint.”

For at least these reasons, Applicant submits that new Claims 27-29 are allowable over the cited references.

Request for Continued Examination

Applicant encloses a Request for Continued Examination and authorizes the Commissioner to charge \$790.00 fee to Deposit Account No. 50-2148 of Baker Botts L.L.P.

ATTORNEY DOCKET
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PATENT APPLICATION
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CONCLUSION

Applicant appreciates the Examiner's careful review of the Application. Applicant believes that this case is in condition for allowance. Applicant respectfully requests reconsideration and allowance of all pending claims.

Applicant encloses a Petition for Extension of Time for one-month and authorizes the Commissioner to charge \$120.00 to Deposit Account No. 50-2148 of Baker Botts L.L.P.

Applicant believes there are no additional fees due at this time. However, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 02-0383 of Baker Botts L.L.P in order to effectuate this filing.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.322.2689.

Respectfully submitted,
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Date: January 26, 2007

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